

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

LIMELIGHT NETWORKS, INC.,
Plaintiff,

v.

Civil Action No. 3:15-cv-720-JAG

XO COMMUNICATIONS, LLC
and AKAMAI TECHNOLOGIES INC.,
Defendants.

ORDER

This matter comes before the Court on the defendant's motion to compel additional time for the deposition of Dr. Kevin Almeroth. (Dk. No. 210.) Akamai Technologies, Inc. ("Akamai") seeks three days of deposition testimony from Dr. Almeroth, the plaintiff, Limelight Networks, Inc.'s, ("Limelight") expert. Upon due consideration, the Court DENIES the motion to compel.

A district court "necessarily has wide discretion in managing pre-trial discovery." *Worster v. U.S. Postal Serv.*, 28 F. App'x 324, 326 (4th Cir. 2002). The Federal Rules of Civil Procedure limit the duration of a deposition to seven hours, but a court must allow for additional time "if needed to fairly examine the deponent." *See* Fed. R. Civ. P. 30 (citing Fed. R. Civ. P. 26).¹ Since the time Akamai originally sought to extend Dr. Almeroth's deposition, the parties have limited their asserted claims from 25 to ten. Further, the parties have already agreed to extend Dr. Almeroth's deposition from seven hours to ten hours. The Court finds this three-hour

¹ Fed. R. Civ. P. 26 ("Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.").


extension sufficient in light of the appropriate considerations under F.R.C.P. 26. Akamai has access to Dr. Almeroth's extensive expert reports and has not shown that good cause exists to allow for more than ten hours to clarify those reports or seek additional information.

The Court, therefore, DENIES the motion to compel and DIRECTS the parties to conduct a ten hour deposition of Dr. Almeroth over two days. No more than two attorneys may question the witness.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: November 7, 2016
Richmond, VA



John A. Gibney, Jr.
United States District Judge